

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
BRYAN BYCZKO and) CASE NO. 09-22034 JPK
VANESSA BYCZKO,) Chapter 7
)
Debtors.)

ORDER ON MOTION FOR APPROVAL OF
LOAN MODIFICATION AGREEMENT ("MOTION")

The Motion was filed on September 14, 2009 by GMAC Mortgage, LLC; it requests the approval of a loan modification agreement apparently proposed to be entered into between the movant and the debtors. On August 19, 2009, a reaffirmation agreement between the debtors and the movant was filed, and no motion for approval of the reaffirmation agreement has been filed. Thus, pursuant to N.D.Ind.L.B.R. B-4008-1(a), the court will not hold a hearing regarding the reaffirmation agreement. Moreover, the reaffirmation agreement discloses that there is no need for a hearing. Part C evidences that the debtors were represented by counsel during the negotiation of the agreement, thus removing the agreement from the scope of 11 U.S.C. § 524(c)(6)(A). Part D of the agreement evidences that no undue hardship arises which requires a hearing pursuant to the provisions of 11 U.S.C. § 524(m)(1). As a result, whatever the legal consequences of the reaffirmation agreement may be, no hearing is required with respect to the court's approval of it.

The Motion does not relate to the reaffirmation agreement, but rather to an apparent separate agreement for restructuring of the obligation between the debtors and the movant. The Motion has been filed a Chapter 7 case, and whatever arrangement the debtors and the creditor have made regarding restructuring of the indebtedness is beyond the scope of the court's jurisdiction. The creditor apparently seeks a "comfort order" from the court. Apart from having no jurisdiction to entertain the request, the court does not entertain "comfort order"

requests.

IT IS ORDERED that the Motion is denied.

Dated at Hammond, Indiana on October 9, 2009.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors
Trustee, US Trustee
Attorney for Creditor